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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,535	09/28/2005	Patrick David Lopath	TRANS 3.3-052 9246	
LERNER, DAVID, LITTENBERG,  EXAMIN		INER		
KRUMHOLZ	& MENTLIK	CATTUNGAL, SANJAY		
600 SOUTH AVENUE WEST WESTFIELD, NJ 07090		-	ART UNIT	PAPER NUMBER
·			3768	
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			MAIL DATE	DELIVERY MODE
			01/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary    The MAILING DATE of this communication appears on the cover sheet with the correspondence address   Period for Reply			Application No.	Applicant(s)				
Examiner   Sanjay Catungal   3768	Office Action Summary							
Sanjay Catungal   3768								
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Editations of arem say be available under the provisions of 3 CFR 1.1368, in the event, however, may seeply be inhely filed  If NO period for reply is appelled ablow, the maximum stations period will apply and will again SIX (9) MONTHS from the mailing date of this communication.  If NO period for reply is appelled ablow, the maximum stations period will apply and will again SIX (9) MONTHS from the mailing date of this communication.  If NO period for reply is appelled ablow, the maximum stations period will apply and will again SIX (9) MONTHS from the mailing date of this communication.  If Plants is reply within the set or reduced period for reply with the set or recent plants from the communication.  If Plants is reply within the set or set of CFR 1.7861, April 1.7								
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1)⊠ Responsive to communication(s) filed on <i>Q6 January 2005</i> .  2a]☐ This action is FINAL. 2b)⊠ This action is non-final.  3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) <i>f-12</i> is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)☐ Claim(s) is/are allowed.  6)☑ Claim(s) is/are allowed.  6)☑ Claim(s) is/are objected to.  8)☐ Claim(s) is/are objected to.  8)☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)☐ The specification is objected to by the Examiner.  10)☑ The drawing(s) filed on <i>Q6 January 2005</i> is/are: a)☑ accepted or b)☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)☐ All b)☐ Some * c)☐ None of:  1.☐ Certified copies of the priority documents have been received.  2.☐ Certified copies of the priority documents have been received in Application No  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  11 ☑ Notice of References Cited (PTO-982)  22 ☐ Notice of Draftspersoons Patern Drawing Review (PTO-948)  31 ☐ Information Disclosuer Statement(s) (PTO/Si8708)	WHICHEVER IS  - Extensions of time after SIX (6) MONT  - If NO period for rep  - Failure to reply with Any reply received	S LONGER, FROM THE MAILING DA may be available under the provisions of 37 CFR 1.13 THS from the mailing date of this communication. By is specified above, the maximum statutory period whin the set or extended period for reply will, by statute, by the Office later than three months after the mailing	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tirr vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
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U.S. Patent and Trademark Office PTOL-326 (Rev. 08-06) , Application/Control Number:

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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,722,403 to McGee et al.
- 3. Regarding Claim 1-5, 7, McGee teaches a method of ablating myocardial tissue within the wall of the heart or within the wall of a blood vessel connected to the heart comprising: supplying microbubbles to the circulatory system of a mammalian subject so that the microbubbles perfuse the myocardial tissue of the subject; and while the microbubbles are present in the myocardial tissue, applying ultrasonic energy to the wall of the heart or to the wall of a blood vessel connected to the heart so that myocardial tissue having microbubbles present therein is heated by the ultrasonic energy and ablated. (Abstract, Col.17 lines 30-50, Figs. 8-12 and Claim 1)
- 4. Regarding Claim 6, McGee teaches that the microbubbles are present in the myocardial tissue to be ablated by ultrasonic imaging of the myocardial tissue. (Claim 43)
- 5. Regarding Claims 8-12, McGee teaches that the ultrasonic energy device includes a catheter structure and said catheter structure extends into or through the LA or LV when the device is in an operative condition, and wherein said catheter structure

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includes a lumen having an opening, said opening communicating with the LA or LV when the device is in said operative condition, whereby the microbubbles can be administered by way of said catheter structure. (Abstract, Col.17 lines 30-50, Figs. 8-12 and Claim 1)

## Conclusion

- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjay Cattungal whose telephone number is (571)272-1306. The examiner can normally be reached on 9:30 5:00 pm.
- 7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (571)272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- 8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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